

**32388**

**SERVICE DATE - JANUARY 4, 2002**

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**STB Docket No. AB-290 (Sub No. 224X) -**

**Norfolk Southern Railway Company - Abandonment Exemption -  
In Pike County, Kentucky**

**BACKGROUND**

In the above entitled proceeding, the Norfolk Southern Railway Company (NS) has filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 in connection with the abandonment of its line of railroad between Milepost FC-0.0 at Flanary and Milepost FC-1.01 at Apache Coal, in Pike County, Kentucky. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, the railroad will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

**DESCRIPTION OF THE LINE**

According to NS, there has been no local traffic on the line for two years and NS states that it is unlikely that there will be any prospect for increased traffic. NS describes the area surrounding the line as 20% undeveloped, 20% residential, and 60% old mine area. NS further states that the line proposed for abandonment is located within the Fishtrap Lake Wildlife Management Area, and that the line crosses Cow Branch, a tributary to Feds Creek, and passes through 100-year flood plains and wetlands associated with these waterways.

In its application, NS states that, if abandonment is approved, it plans to salvage tracks and ties but does not intend to appreciably remove or alter the contour of the roadbed or to undertake significant in-stream work, or to undertake any dredge or fill activities.

**ENVIRONMENTAL REVIEW**

NS submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. NS served the environmental and historical reports on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

## **CONDITIONS**

We recommend that no environmental conditions be placed on any decision granting abandonment authority.

## **CONCLUSIONS**

Based on the information provided from all sources to date, we conclude that, as currently proposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and, therefore, no change in operations), discontinuance of service without abandonment and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

## **PUBLIC USE**

If abandonment and salvage of the rail line does take place, the right-of-way may be suitable for other public use, although NS states that it does not own fee title to all of the right-of-way, and, therefore, NS does not have a contiguous corridor. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Surface Transportation Board and served on the railroad within the time specified in the Federal Register notice.

## **TRAILS USE**

As stated above, NS does not own fee title to all of the right-of-way, and therefore does not have a contiguous rail corridor. A request for a notice of interim trail use (NITU) is due to the Surface Transportation Board, with a copy to the railroad, within 10 days of publication of the notice of exemption in the Federal Register. However, the Board will accept late-filed requests as long as it retains jurisdiction to do so. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

## **PUBLIC ASSISTANCE**

The Board's Office of Public Services (OPS) responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact OPS directly at (202) 565-1592 or mail inquiries to the Surface Transportation Board, Office of Public Services, Washington, DC 20423.

## **COMMENTS**

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Washington, DC 20423, to the attention of Dana White, who prepared this environmental assessment. **Please refer to Docket No. AB-290 (Sub-No. 224X) in all correspondence addressed to the Board.** If you have questions regarding this environmental assessment, you should contact Dana White, the environmental contact for this case by phone at (202) 565-1552, fax at (202) 565-9000, or e-mail at [whited@stb.dot.gov](mailto:whited@stb.dot.gov).

Recent events involving a principal postal facility within Washington, D.C., may affect for a period of time the receipt of materials mailed to the Board, as well as customer receipt of reply mail sent from the Board. Until the timely delivery of mail has been reestablished, the Section of Environmental Analysis (SEA) requests that individuals filing comments regarding this or other environmental assessments take the following additional steps to ensure receipt of their correspondence during the comment period:

1. Telephone or e-mail the environmental contact indicated above prior to the close of the comment period and inform them that you have mailed a comment.
2. If the comment has not been received, the environmental contact will discuss alternative modes of delivery.
3. Retain a copy of your comment for your records should alternative modes of delivery need be necessary.

SEA is committed to carrying out its duties to the public and regrets any inconvenience these new procedures may cause.

Date made available to the public: January 4, 2002.

Comment due date: **January 18, 2002 (15 days).**

By the Surface Transportation Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams  
Secretary

Attachment

MAP TO BE SCANNED